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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR JAVIER ZERMENO, a/k/a
“Moreno,” a/k/a “Negro” ;
MIGUEL BARRAGAN, a/k/a “Mikey,” a/k/a
“Mikey Banger,” a/k/a “MB”;
EZEQUIEL GUZMAN, a/k/a “Cheque”;
JOEY MAGADAN;
JONATHAN MALDONADO, a/k/a “Sirjohn”;
MATTHEW PETE MENDEZ, a/k/a “Mateo”;
ALEJANDRO HAWKINS;
VICTOR AGUILAR DIAZ;
FRANCISCO SALINAS DIAZ, a/k/a “Kid,”
a/k/a “Kip”;
FRANCISCO FERMAN;
IVAN ALEJANDRO HERNANDEZ;
MICHAEL NERI, a/k/a “Chorro”;
EDUARDO AMEZCUA, a/k/a “E”; and
JORGE DELORES CRUZ, a/k/a “Jorge
Dolores”,

Defendants.

CASE NO. 1:23-CR-00115-ADA-BAM

STIPULATION SCHEUDLING ARRAIGNMENT,
CONTINUING STATUS CONFERENCE, AND
REGARDING EXCLUDABLE TIME PERIODS
UNDER SPEEDY TRIAL ACT; FINDINGS AND
ORDER

DATE: September 27, 2023

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

STIPULATION

1. On August 21, 2023, a grand jury returned a superseding indictment in this case. As a result, the defendants must be arraigned on the charges.

2. The parties move to schedule an arraignment on the superseding indictment on

1 September 27, 2023, at 2:00 pm.

2 3. By previous order, this matter was also set for status on September 27, 2023.

3 4. By this stipulation, defendants now move to continue the status conference until January
4 10, 2024, and to exclude time between September 27, 2023, and January 10, 2024, under Local Code
5 T4.

6 5. The parties agree and stipulate, and request that the Court find the following:

7 a) The government has represented that the discovery associated with this case
8 includes thousands of pages of investigative reports, photographs, several large cell phone
9 extractions, video evidence (including body-worn camera), thousands of pages of social media
10 content, and hours of recorded, intercepted communications. All this discovery has been either
11 produced directly to counsel and/or made available for inspection and copying.

12 b) Counsel for defendant desires additional time to conduct independent
13 investigation, review the voluminous discovery, consult with his/her client, conduct research,
14 explore a pretrial resolution of the case, and otherwise prepare for trial.

15 c) Counsel for defendants believe that failure to grant the above-requested
16 continuance would deny them the reasonable time necessary for effective preparation, taking into
17 account the exercise of due diligence.

18 d) The government does not object to the continuance.

19 e) Based on the above-stated findings, the ends of justice served by continuing the
20 case as requested outweigh the interest of the public and the defendant in a trial within the
21 original date prescribed by the Speedy Trial Act.

22 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
23 et seq., within which trial must commence, the time period of September 27, 2023 to January 10,
24 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) [Local
25 Code T4] because the case is so unusual or so complex, due to the number of defendants, the
26 nature of the prosecution, or the existence of novel questions of fact or law, that it is
27 unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within
28 the time limits established by this section and it results from a continuance granted by the Court

1 at defendant's request on the basis of the Court's finding that the ends of justice served by taking
2 such action outweigh the best interest of the public and the defendant in a speedy trial..

3 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
4 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
5 must commence.

6 IT IS SO STIPULATED.

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9 Dated: September 18, 2023

PHILLIP A. TALBERT
United States Attorney

11
12 /s/ ANTONIO J. PATACA
ANTONIO J. PATACA
Assistant United States Attorney

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14 Dated: September 18, 2023

/s/ MARC DAYS
MARC DAYS
Counsel for Defendant
Victor Zermeno

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17 Dated: September 18, 2023

/s/ PETER JONES
PETER JONES
Counsel for Defendant
Miguel Barragan

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21 Dated: September 18, 2023

/s/ ANTHONY P. CAPOZZI
ANTHONY P. CAPOZZI
Counsel for Defendant
Ezequiel Guzman

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25 Dated: September 18, 2023

/s/ MARIO TAFUR
MARIO TAFUR
Counsel for Defendant
Jonathan Maldonado

1 Dated: September 18, 2023

/s/ ROGER D. WILSON

ROGER D. WILSON
Counsel for Defendant
Matthew Mendez

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4 Dated: September 18, 2023

/s/ DOUGLAS C. FOSTER

DOUGLAS C. FOSTER
Counsel for Defendant
Alejandro Hawkins

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8 Dated: September 18, 2023

/s/ ERIC H. SCHWEITZER

ERIC H. SCHWEITZER
Counsel for Defendant
Francisco Diaz

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11 Dated: September 18, 2023

/s/ VICTOR M. CHAVEZ

VICTOR M. CHAVEZ
Counsel for Defendant
Francisco Ferman

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14 Dated: September 18, 2023

/s/ STEVEN CRAWFORD

STEVEN CRAWFORD
Counsel for Defendant
Ivan Hernandez

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17 Dated: September 18, 2023

/s/ DANIEL L. HARRALSON

DANIEL L. HARRALSON
Counsel for Defendant
Michael Neri

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20 Dated: September 18, 2023

/s/ MELISSA BALOIAN

MELISSA BALOIAN
Counsel for Defendant
Eduardo Amezcua

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24 Dated: September 18, 2023

/s/ CHRISTINA CORCORAN

CHRISTINA CORCORAN
Counsel for Defendant
Jorge Delores Cruz

1 Dated: September 18, 2023

/s/ W. SCOTT QUINLAN
W. SCOTT QUINLAN
Counsel for Defendant
Joey Magadan

4 **ORDER**

5 IT IS SO ORDERED that an arraignment on the superseding indictment is set for **September 27,**
6 **2023, at 2:00 p.m. before Magistrate Judge Stanley A. Boone.**

7 IT IS FURTHER ORDERED that the status conference is continued from September 27, 2023, to
8 **January 10, 2024, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded
9 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv).

10 IT IS SO ORDERED.

11 Dated: **September 18, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE